

Filed by: Jameson Lee
Administrative Patent Judge
Mail Stop Interference
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Filed
18 December 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KARL L. GINTER, VICTOR H. SHEAR,
FRANCES J. SPAHN and DAVID M. VAN WIE,
Junior Party,
(Patents 5,920,861; 5,982,891; 6,138,119 and 6,253,193),

v.

GREG BENSON, GREGORY H. URICH
and CHRISTOPHER L. KNAUFT,
Senior Party,
(Applications 09/164.606 and 09/321,386).

MAILED

DEC 18 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Patent Interference No. 105,193

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Jameson Lee has been designated to handle the interference.

- 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to discuss whether the priority phase of this interference can or should be conducted first is scheduled for 1:30 p.m. on 7 January 2004 (the call will be initiated from the PTO).

If the priority phase of this interference is not conducted first, the Administrative Patent Judge intends to set the times for filing preliminary motions on January 7, 2004 and set Time Period 8 as October 7, 2004.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named Inventor: KARL L. GINTER, Beltsville, MD
VICTOR H. SHEAR, Bethesda, MD
FRANCIS J. SPAHN, El Cerrito, CA
DAVID M. VAN WIE, Sunnyvale, CA

Patent: 5,920,861, granted 6 July 1999, based on
application 08/805,804, filed 25 February 1997

Title: Techniques for defining using and manipulating
rights management data structures

Assignee: InterTrust Technologies Corp.

Accorded Benefit: None

Attorneys: See last page

Address: See last page

Patent: 5,982,891, granted 9 November 1999, based on
application 08/964,333, filed 4 November 1997

Title: Systems and methods for secure transaction
management and electronic rights protection

Assignee: InterTrust Technologies Corp.

Accorded Benefit: Application 08/388,107, filed 13 February 1995

Attorneys: See last page

Address: See last page

Patent: 6,138,119, granted 24 October 2000, based on application 09/300,778, filed 27 April 1999

Title: Techniques for defining, using and manipulating rights management data structures

Assignee: InterTrust Technologies Corp.

Accorded Benefit: 5,920,861, granted 6 July 1999, based on application 08/805,804, 25 February 1997

Attorneys: See last page

Address: See last page

Patent: 6,253,193, granted 26 June 2001, based on Application 09/208,017, filed 9 December 1998

Title: Systems and methods for the secure transaction management and electronic rights protection

Assignee: InterTrust Technologies Corp.

Accorded Benefit: 5,982,891, granted 9 November 1999, based on application 08/964,333, filed 4 November 1997; Application 08/388,107, filed 13 February 1995

Attorneys: See last page

Address: See last page

Senior Party

Named inventor: GREG BENSON, Dalby, Sweden
GREGORY H. URICH, Lund, Sweden
CHRISTOPHER L. KNAUFT, San Diego, CA

Application: 09/164,606, filed 1 October 1998

Title: Method and system for managing a data object
so as to comply with predetermined conditions
for usage

Assignee: Macrovision Corporation

Accorded Benefit: Patent 5,845,281, granted 1 December 1998, based
on application 08/594,811, filed 31 January 1996;
Swedish Application 9500355-4, filed 1 February 1995

Attorneys: See last page

Address: See last page

Application: 09/321,386, filed 27 May 1999

Title: Method and system for managing a data object
so as to comply with predetermined conditions
for usage

Assignee: Macrovision Corporation

Accorded Benefit: Patent 5,845,281, granted 1 December 1998, based
on application 08/594,811, filed 31 January 1996;
Application 09/164,606, filed 1 October 1998;
Swedish Application 9500355-4, filed 1 February 1995

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

Claim 48 of Benson's Application 09/321,386 (Benson III)

The claims of the parties corresponding to Count 1 are:

Ginter's Patent No. 5,920,861 (Ginter I):	Claims 1-4, 11-13, 34-38, 40-43, 56, 63, 64, 67 and 68
Ginter's Patent No. 5,982,891 (Ginter II):	Claims 26-31
Ginter's Patent No. 6,138,119 (Ginter III):	Claims 1-28, 30-32, 34-42, 51, 53-57 and 59-63
Ginter's Patent No. 6,253,193 (Ginter IV):	Claims 1-18 and 64-72
Benson's Application 09/164,606 (Benson II):	Claims 30-32, 34-41, 44-46, 48, 51, 56, 58-66, 68 and 69
Benson's Application 09/321,386 (Benson III):	Claims 1-3, 5-12, 15-17, 19, 22, 27, 29-37 and 39-53

The claims of the parties **not** corresponding to Count 1 are:

Ginter's Patent No. 5,920,861 (Ginter I):	Claims 5-10, 14-33, 39, 44-55, 59-62, 65, 66, 69 and 70
Ginter's Patent No. 5,982,891 (Ginter II):	Claims 1-25 and 32-102
Ginter's Patent No. 6,138,119 (Ginter III):	Claims 29, 33, 43-50, 52, 58 and 64
Ginter's Patent No. 6,253,193 (Ginter IV):	Claims 19-63
Benson's Application 09/164,606 (Benson II):	Claims 33, 42, 43, 47, 49, 50, 52-55, 57 and 67
Benson's Application 09/321, 386 (Benson III):	Claims 4, 13, 14, 18, 20, 21, 23-26, 28 and 38

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See STANDING ORDER ¶ 3.5.

Filed on behalf of [name of party]

Paper ____¹

By: Name of lead counsel
Name of backup counsel
Street address
City, State, and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

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(Administrative Patent Judge Jameson Lee)

KARL L. GINTER, VICTOR H. SHEAR,
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Patent Interference No. 105,193

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

- ¶ 4: date for identifying lead and backup counsel.
- ¶ 5: date for identifying any real party in interest.
- ¶ 6: date for requesting copies of involved and benefit applications and patents.
- ¶ 7: date for accomplishing certain discovery.
- ¶ 8: date for filing clean copy of claims.
- ¶ 9: date for filing clean copy of claims in cases with drawings or claims containing a means plus function limitation.
- ¶ 10: date for filing list of proposed preliminary motions.
- ¶ 13.10.2: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ¶ 14.1.1: date for objecting to admissibility of evidence.
- ¶ 14.2: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- ¶ 14.3: dates when cross-examination can take place.
- ¶ 15.2: dates for taking action with respect to settlement discussions.

Part I. Order form for requesting file copies

FILE COPY REQUEST
Interference 105,193

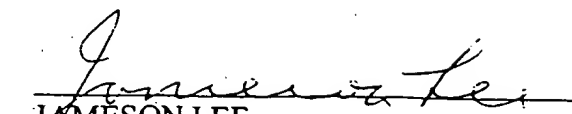
A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, ZIP code and telephone number (do not list a Post Office box because file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge


JAMESON LEE
Administrative Patent Judge

Date: 12/18/03

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Revised May 2003

cc (via Federal Express):

Attorney for GINTER:

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